

REMARKS

Status of Claims

After entry of the present amendments, claims 1-5, 7-23, 27-41 remain in the application for prosecution. Claims 6 and 24-26 have been cancelled. Claims 14 and 16 have been amended.

Mislabeled Claim 23

The Examiner pointed out that claim 23, which was amended in Applicant's prior response of July 25, 2005, had an improper status identifier of "Previously Presented." The Examiner is correct that the incorrect status identifier was the result of a typographical error, and Applicant thanks the Examiner for bringing this inadvertent error to Applicant's attention and examining claim 23 notwithstanding the improper status identifier. The correct status of claim 23 in the prior response of July 25, 2005, was "Currently Amended." The present status of claim 23 is "Previously Presented."

Remarks on Examiner's Flawed Claim Interpretation

Applicant has previously made clear its disagreement with the Examiner's interpretation of "configuration data" as corresponding to a reel driver and will not rehash it here. Applicant would merely point out that the claims recite the terms "reel driver" and "configuration data." If "configuration data" corresponds to a reel driver as the Examiner contends, what then does the claimed "reel driver" correspond to? It is a fundamental canon of the law of claim interpretation that different claim terms are presumed to have different meanings.

Section 103 Rejections

Applicant now turns to the substantive rejections. Claims 1-5, 7-23, and 27-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,380,008 (Mathis et al.) in view of U.S. Patent No. 6,315,663 (Sakamoto).

In the prior response, Applicant pointed out that the Board had already ruled on the non-obviousness of claim 29 in view of McGlone over Sakamoto. The Board concluded that it would not have been obvious to combine McGlone and Sakamoto because McGlone suggested that any

acceleration profile would have been stored in the peripheral controller and not its master gaming controller. Applicant applied that same reasoning to argue that the combination of Mathis et al. and Sakamoto fail to render claim 29 obvious. This argument was not specifically addressed in the Final Office Action, and Applicant urges the Examiner to consider the argument carefully when rendering an Advisory Action on the finality of the outstanding rejections. The issue for the Examiner to consider is whether Mathis et al. would suggest that Sakamoto's acceleration or deceleration information would be stored in the microcomputer 52 or in the reel driver microcontroller 58. If the latter, then Applicant respectfully submits that the present rejections cannot and will not be sustained by the Board.

The Board concluded that McGlone may have suggested storing acceleration information in the peripheral controller but not the master gaming controller:

It is our opinion that combined teachings of McGlone and Sakamoto would not have made it obvious at the time the invention was made to a person of ordinary skill in the art to have McGlone's master gaming controller issue a high-level command to McGlone's peripheral controller related to either an acceleration profile for accelerating the reel or a deceleration profile for deceleration the reel. In our view, the combined teachings of McGlone and Sakamoto would have made it obvious at the time the invention was made to a person of ordinary skill in the art to have stored both the acceleration profile for accelerating the reel and the deceleration profile for decelerating the reel suggested by Sakamoto in McGlone's peripheral controller not McGlone's master gaming controller since **McGlone's peripheral controller is the controller that issues the low-level instructions to the stepper motor to control the movement of the reel.**

Board Opinion, at 12.

As Applicant pointed out in response to the previous Office Action, Mathis et al. discloses that the low-level instructions for controlling the movement of the reel are provided by the reel driver microcontroller 58 to the stepper motor 62. *See* col. 10, ll. 55-64 (each reel driver microprocessor "counts the steps that the motor has made, i.e., the number of pulses received, and stops the rotation of the motor in accordance with the information received from the primary microprocessor.")). Significantly, Applicant pointed out that Mathis et al. explicitly discloses that any deceleration information is provided by the reel driver microcontroller 58 and not the microcomputer 52.

The microcomputer 52 addresses the ROM memory and withdraws the contents 3,1,2 of Table V and transmits signals **to the reel drivers 58a, 58b, 58c which in turn signal the motors 62 to begin to slow down the reels 22, 24, 26** in sequence so that they display the symbols indicated by position number 1, e.g., 7, cherry, Bar which is a losing combination.

Col. 14, ll. 17-23 (emphasis added). Mathis et al. repeats this statement again:

The microcomputer 52 then addresses the ROM memory to withdraw the contents 1,1,3 of Table III and transmits signals **to the reel drivers 58a, 58b, 58c which signal the motors 62 to begin slowing down the reels 22, 24, 26** in sequence so that they display the winning combination cherry 1, plum 1, BAR.

Col. 14 l. 64 to col. 15, l. 1.

Thus, Mathis et al. actually teaches *away from* sending a deceleration profile from a CPU to a local microcontroller of a reel driver because it explicitly teaches that any deceleration of the reel 22 would be controlled by the reel driver microcontroller 58 and not the microcomputer 52. **This is precisely analogous to the reasoning applied by the Board to conclude that claim 29 was not obvious in view of McGlone over Sakamoto.** Although the Examiner has not based the present rejections on McGlone, the same analysis applies to Mathis et al.

Thus, applying the same reasoning set forth by the Board regarding McGlone to Mathis et al., it would not have been obvious to one of ordinary skill in the art to modify Mathis et al. in view of Sakamoto to send an acceleration profile or deceleration profile from a central processing unit to a local microcontroller of a reel driver or to a reel controller. For at least the foregoing reasons, claim 29 is believed to be patentable over Mathis et al. in view of Sakamoto. Likewise, independent claims 1, 9, 12, 20, 23, and 28 generally call for sending either an acceleration profile or a deceleration profile or both from a central processing unit to a local microcontroller of a reel driver or a reel controller, and are believed to be patentable over the applied references for at least the same reasons as apply to claim 29.

Regarding claims 16, 18, and 21, the Office Action maintains that because in Mathis et al. the microcomputer 52 transmits the reel position to the reel driver 58, it necessarily must also transmit the number of symbols on the reel. As Applicant pointed out in the prior response, Applicant does not believe that this assumption can be made. The Office Action only states that

such transmission “can only be done if the local microprocessor also knows the number of symbols on the reel.” Even assuming such were true, there is nothing in Mathis et al. that teaches or suggests that the number of symbols on the reel would be **sent from** the microcomputer 52 to the reel driver 58 as part of configuration data as claimed. The Office Action states that in order to support “the device independent feature disclosed by Mathis (Col 11, 18-20), this information **must** be downloaded from the CPU to the local microcontroller.” Office Action at 7. Applicant disagrees that it is mandatory that the number of symbols on a reel be transmitted from the microcomputer 52 to the reel driver 58 in order to support device independence, a feature which Applicant does not agree Mathis et al. discloses. For example, it is quite plausible for data concerning the number of symbols on a reel to be stored in a local microcontroller without being received from the CPU.

Claim 14 has been amended to delete “a number of symbols on said reel.” Claims 14 and 16 have been amended to correct an antecedent basis problem caused by the prior deletion of “configuration data” in their respective independent claims. Applicant requests that the Examiner enter these amendments as they place claims 14 and 16 in better form for consideration on appeal. Because Mathis et al. does not disclose a CPU sending to said local microcontroller the type of slot machine, how to drive the motor, or a number of steps in the motor if the motor is a stepper motor, claim 14 is believed to be patentable over Mathis et al.

Regarding independent claim 23, it is believed to be patentable over the applied references for at least the additional reason that Mathis et al. alone or in combination with Sakamoto does not teach or suggest sending a command from said CPU to said reel controller to determine a type of said encoder or using said reel controller to compare the determined type of said encoder with said configuration data sent from said CPU to said reel controller. The Office Action does not cite to any passage or figure in Mathis et al. that discloses these claim elements, but rather broadly states that if “Mathis does not perform these steps, Mathis cannot possibly provide device independence.” Office Action at 8. Again, Applicant disagrees that sending commands to determine a type of said encoder is necessary for providing device independence or that such information must be sent in order to support device independence (a feature that Applicant does not agree Mathis teaches). Mathis et al. is explicit as to what information is sent from the microcomputer 52 to the reel driver 58, but never mentions sending a command

concerning encoder type or using a reel controller to compare the determined type of said encoder with said configuration data sent from said CPU to said reel controller. Moreover, it is possible that no command concerning encoder type would be provided to the reel driver, or it is also possible that the reel driver would of its own accord without commandment by the microcomputer determine the encoder type.

As stated by the Board, “when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.” Decision at 10. No such showing has been made here. On the contrary, Mathis et al. discloses that the rotary positional encoder “provides a pulse to the microprocessor of the reel driver each revolution of the reel with which it is associated.” Col. 10, ll. 43-44. Mathis et al. does not mention that any information concerning the type of the encoder is provided or determined. The only information provided by the rotary positional encoder is a pulse to the reel driver, which uses the pulse information to determine the position of the reel and provides that position data to the microcomputer 52. Col. 10, ll. 42-48. Nothing in Mathis et al. even suggests that the microcomputer 52 commands the reel driver 58 to determine a type of encoder and to use the reel driver to compare the determined type of encoder with configuration data sent by the microcomputer 52.

In short, because Mathis et al. does not teach or suggest sending a command from said CPU to said reel controller to determine a type of said encoder or using said reel controller to compare the determined type of said encoder with said configuration data, claim 23 is patentable thereover.

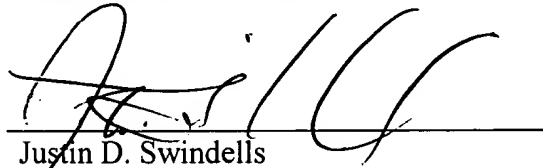
Conclusion

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00058USPT.

Respectfully submitted,



Justin D. Swindells

Reg. No. 48,733

JENKENS & GILCHRIST, P.C.

225 West Washington Street, Suite 2600

Chicago, Illinois 60606-3418

(312) 425-8534 (Direct)

(312) 425-3909 (Facsimile)

ATTORNEY FOR APPLICANT

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